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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/785,022	02/15/2001	Stephen C. Hahn	SUN1726/P5721NP	3012
22434	7590	09/19/2005	EXAMINER	
BEYER WEAVER & THOMAS LLP P.O. BOX 70250 OAKLAND, CA 94612-0250			SHAH, NILESH R	
			ART UNIT	PAPER NUMBER
			2195	
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Please find below and/or attached an Office communication concerning this application or proceeding.

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## Office Action Summary

Application No.

09/785,022

Applicant(s)

HAHN, STEPHEN C.

Examiner

Nilesh Shah

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 05 July 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-12, 20-28 and 32-38 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12, 20-28 and 32-38 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. Claims 1-12, 20-28, 32, 34-38 are presented for examination.

#### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

- a. A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-12, 20-28, 32, 34-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Holiday (6,202,208) in view of Koved (5,915,085).
4. As per claim 1, Holiday teaches the invention substantially as claimed including a method of dynamically checking a set of one or more resource controls associated with resource consumption of newly added software to an operating system, the method comprising:  
  
while the operating system is executing, integrating resource controls associated with the newly added operating system software into a set of one or more resource controls already associated with the operating system before addition of the newly added operating system software (abstract; col. 2 lines 10-27; col. 3 lines 5-37; col. 6 lines 10-55; col. 7 lines 30-60; col. 9 lines 1-50), wherein each of one or

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more resources controls in the integrated set of one or more resources controls identifies one or more resources each of the set of resources controls having one or more limiting values associated therewith (col. 2 lines 10-27; col. 3 lines 5-37; col. 3 lines 50-60; col. 5 lines 15-45; col. 7 lines 30-60; col. 9 lines 1-50).

5. Holiday does not specifically teach of determining usage values.

Koved teaches in response to a request for one of the resources by an operating system entity determining whether usage of the a one of the one or more resources by the operating system entity exceeds a one of the limiting values in the one of the set resource controls corresponding to the one of the resources (fig. 10b, col. 2 lines 49-65; col. 4 lines 16-60; col. 5 lines 30-42; col. 6 lines 51-65; col. 8 lines 42-55); and

granting the requested one of the resources to the operating system entity if the one limiting value has not been exceeded (fig. 11 col. 4 lines 16-60; col. 5 lines 30-42; col. 6 lines 51-65; col. 8 lines 42-55).

6. It would have been obvious to one skilled in the art at the time of their invention was made to combine the teachings of Holiday and Koved because Koved's method of assigning and comparing load values to resources would improve Holiday's system of distributing different resources by being able to tell which resource has exceeded its predetermined threshold value.

7. As per claim 2, Holiday method further comprising:

searching by the operating system entity a first set of resource controls to locate the one of the set of resource controls (abstract; col. 2 lines 10-27; col. 3 lines 5-37; col. 6 lines 10-55; col. 7 lines 30-60; col. 9 lines 1-50).

8. As per claim 3, Holiday method further comprising:

searching by the operating system entity a second set of resource controls associated with a plurality of entities to locate the one of the set of resource controls (col. 3 lines 5-37; col. 3 lines 50-60; col. 5 lines 15-45; col. 7 lines 30-60; col. 9 lines 1-50).

9. As per claim 4, Holiday method further comprising determining whether the a-resource associated with the resource control is active (col. 3 lines 50-60; col. 5 lines 15-45; col. 7 lines 30-60; col. 9 lines 1-50).

10. As per claim 5, Holiday method further comprising loading the one of the set of resource controls from a global set of controls to a local set of controls associated with the operating system entity (col. 3 lines 50-60; col. 5 lines 15-45; col. 7 lines 30-60; col. 9 lines 1-50).

11. As per claim 6, Koved method further comprising notifying a plurality of other entities when there is a violation of one of the limiting values by the operating system entity (fig. 10b; col. 2 lines 49-65; col. 4 lines 16-60; col. 5 lines 30-42; col. 6 lines 51-65; col. 8 lines 42-55).

12. As per claim 7, Holiday method further wherein the operating system entity is one of a process, task, and a project in the operating system (col. 3 lines 50-60; col. 5 lines 15-45).
13. As per claim 8, Holiday teaches a method wherein encountering the newly added software and the associated set of resource controls by an operating system entity in the operating system further includes registering the set of resource controls associated with the newly added software with the operating system (abstract; col. 3 lines 50-60; col. 5 lines 15-45; col. 7 lines 30-60; col. 9 lines 1-50).
14. As per claim 9, Koved teaches a method further comprising manually changing the limiting value as desired (col. 2 lines 49-65; col. 4 lines 16-60; col. 5 lines 30-42; col. 6 lines 51-65; col. 8 lines 42-55).
15. Claims 10-12 are rejected based on the same rejections as claim 1 above.
16. As per claim 20, Koved teaches method further comprising: resetting the limiting value of the one of the set of resource controls to another threshold value (fig. 10b; col. 2 lines 49-65; col. 4 lines 16-60; col. 5 lines 30-42; col. 6 lines 51-65; col. 8 lines 42-55).
17. As per claim 21, Holiday teaches method further comprising

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dynamically adding the set of resource controls to a second set of resource controls (col. 2 lines 10-27; col. 3 lines 5-37; col. 3 lines 50-60).

18. As per claim 22, Holiday teaches method further comprising removing the set of resource controls from a second set of resource controls (col. 3 lines 5-37; col. 7 lines 30-60; col. 9 lines 21-50).

19. As per claim 23, Holiday teaches method further comprising adding the set of resource controls to a global set of resource controls maintained by the operating system, thereby enabling operating system entities of the operating system to be aware of additional capabilities of the operating system added by the set of resource controls and the associated newly added software module (abstract; col. 3 lines 50-60; col. 5 lines 15-45; col. 7 lines 30-60; col. 9 lines 1-50).

20. As per claim 24, Holiday teaches method wherein adding the set of resource controls to a global set of resource controls maintained by the operating system is performed when encountering the newly added software is executed for a first time (abstract; col. 3 lines 50-60; col. 5 lines 15-45; col. 7 lines 30-60; col. 9 lines 1-50).

21. As per claim 25, Holiday teaches method wherein adding the set of resource controls to a global set of resource controls maintained by the operating system is performed when the newly added software is loaded (col. 2 lines 10-27; col. 3

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lines 5-37; col. 3 lines 50-60; col. 5 lines 15-45; col. 7 lines 30-60; col. 9 lines 1-50).

22. As per claim 26, Holiday teaches method wherein removing the set of resource controls from the global set of resource controls (col. 5 lines 15-45; col. 7 lines 30-60).

23. As per claim 27, Holiday teaches method wherein removing the set of resources controls from the global set of resource controls is performed when the newly added software is unloaded (col. 2 lines 10-27; col. 3 lines 5-37; col. 3 lines 50-60; col. 5 lines 15-45; col. 7 lines 30-60; col. 9 lines 1-50).

24. As per claim 28, Holiday teaches method further comprising of adding the set of resource controls to a local set of resource controls associated with an operating system entity within the operating system (abstract; col. 2 lines 10-27; col. 3 lines 5-37; col.6 lines 10-55; col. 7 lines 30-60).

25. As per claim 32, Holiday teaches method, wherein determining triggering and granting are performed by the operating system (col.6 lines 10-55; col. 7 lines 30-60; col. 9 lines 1-50).

26. Claims 34 and 35 are rejected based on the same rejections as claim 6 above.



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27. As per claim 36, Holiday teaches a method wherein:

integrating resource controls associated with the newly added operating system software includes by the operating system calling an initialization routine associated with the newly added operating system software (col. 2 lines 10-27; col. 3 lines 5-37; col.6 lines 10-55; col. 7 lines 30-60; col. 9 lines 1-50).

28. Claim 37 is rejected based on the same rejection as claim 36 above.

29. As per claim 38, Holiday teaches a system wherein

The initialization routine includes processing a file contained by the routine that characterizes the resources controls associated with the newly added operating system software (col. 2 lines 10-27; col. 3 lines 5-37; col.6 lines 10-55; col. 7 lines 30-60; col. 9 lines 1-50).

### ***Conclusion***

30. The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure. Kienhofer et al (6,931,544) and Brown et al (6,324,688) teaches the use of adding operating systems and integrating resources.

31. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nilesh Shah whose telephone number is (571)272-3771. The examiner can normally be reached on 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng An can be reached on (571)272-3756. The fax


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phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Nilesh Shah  
Examiner  
Art Unit 2195

NS  
September 14, 2005

  
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